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Attorney Docket No. 2100632-991121

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Jan Wasowicz et al.

**FAX RECEIVED**

**Serial No:** 09/912,681

**Group Art Unit:** N/A

**JUL 25 2002**

**Filed:** July 24, 2001

**Examiner:** Unknown

**PETITIONS OFFICE**

**Title:** DIAGNOSTIC SYSTEM AND METHOD FOR PHONOLOGICAL AWARENESS, PHONOLOGICAL PROCESSING. AND READING SKILL TESTING

I hereby certify that this correspondence is being transmitted by facsimile to Karen Creasy at the Office of Petitions, United States Patent and Trademark Office at (703) 308-6916 on:

July 25, 2002 at 1:15 PM

*Cathy Pittman*

Cathy Pittman

\*\*\*

**REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(a)**

**ATTN: Karen Creasy  
Office of Petitions  
United States Patent and Trademark Office  
Washington, D.C. 20231**

**Madam:**

In response to the Decision Refusing Status Under 37 CFR § 1.47(a) mailed on July 2, 2002, Applicant requests reconsideration of the decision. The Examiner has indicated that Applicant did not properly submit an oath or declaration in compliance with 37 CFR § 1.63 and 1.64 since Applicant did not set forth the citizenship, residence and mailing address of the nonsigning Wasowicz. The Examiner has requested a new oath or Declaration in compliance with 37 CFR § 1.63 and 1.64. In response, Applicant submits herewith a new

Attorney Docket No. 2100632-991121

Declaration/Power of Attorney form which has been executed by all of the inventors including the prior nonsigning inventor. The citizenship, residence and mailing address of all of the inventors including the formerly nonsigning inventor has also been provided. Therefore, the decision refusing status under 37 CFR § 1.47(a) should be reconsidered and dismissed.

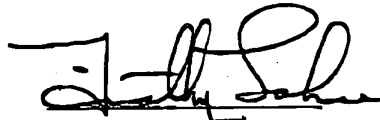
**CONCLUSION**

In view of the above, the requirements of 37 CFR §1.47(a) have been satisfied. All of the inventors have now executed a Declaration and the filing requirements of the above-identified application have been satisfied and completed.

The Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to Deposit Account No. 07-1896.

Respectfully submitted,

By:



Timothy W. Ohse  
Reg. No.: 35,255  
Attorney for Assignee

7/25/2002

Gray Cary Ware & Freidenrich  
Attn: Patent Department  
1755 Embarcadero Rd.  
Palo Alto, CA 94303-3340

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## FAX TRANSMISSION COVER SHEET

To:

Telephone: PETITIONS OFFICE

Fax Number:

Karen Creasy  
Office of Petitions  
U.S. Patent and Trademark Office

1-703-308-6916

From: Timothy W. Lohse  
650-320-7428

Attorney Docket Number: 2100632-991121

Re: Request for Reconsideration of Petition

Serial No.: 09/912,681

Filing Date: July 24, 2001

Title: DIAGNOSTIC SYSTEM AND METHOD FOR PHONOLOGICAL AWARENESS,  
PHONOLOGICAL PROCESSING, AND READING SKILL TESTING

Applicant: Janet Wasowica

Pages: - 9 - (including this form) Originals: ☐ will be mailed ☒ will not be mailed

If there is a problem with this transmission, please call (650) 320-7449

Fax Operator/Ext.

Message:

Attached for your consideration are the following:

1. Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a) (2 pgs.);
2. Declaration and Power of Attorney signed by Janet Wasowicz, Feng-Qi Lai and Andrew Morrison (4 pgs.); and
3. Copy of Decision Refusing Status Under 37 CFR 1.47(a) mailed July 2, 2002 (2 pgs.).

### CONFIDENTIALITY NOTICE

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(Form Rev. 6/5/00)

Gray Cary/HV\7072508.1  
2100632-991120



## UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20531  
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TIMOTHY W. LOHSE  
PATENT DEPARTMENT - EM  
GRAY CARY WARE & FREIDENRICH  
1755 EMBARCADERO ROAD  
PALO ALTO, CA 94303

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JUL 02 2002

OFFICE OF PETITIONS

In re Application of :  
Janet Wasowicz et al :  
Application No. 09/912,681 : DECISION REFUSING STATUS  
Filed: July 24, 2001 : UNDER 37 CFR 1.47(a)  
For: DIAGNOSTIC SYSTEM AND METHOD :  
FOR PHONOLOGICAL AWARENESS, :  
PHONOLOGICAL PROCESSING, AND :  
READING SKILL TESTING :

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JUL 25 2002

PETITIONS OFFICE

This is in response to the petition under 37 CFR 1.47(a), filed March 4, 2002.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee; and

(4) a statement of the last known address of the non-signing inventor.

PATENT DOCKET	
DATE: 09 July 2002	RECEIVED
ACTION: Resp to Rule 47	
DUE: 02 Sept 2002	
DEAD: _____	

JUL 08 2002

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Application No. 09/912,681

Page 2

Applicant lacks item (2) as set forth above.

In regards to requirement (2), petitioner has not submitted an oath or declaration in compliance with 37 CFR 1.63 and 1.64. The declaration submitted does not set forth the citizenship, residence, and mailing address of nonsigning Wasowicz. Accordingly, a new oath or declaration signed by all the nonsigning inventors on behalf of themselves and on behalf of the nonsigning inventor in compliance with 37 CFR 1.63 and 1.64 is required.

**In order to expedite consideration of the petition under 37 CFR 1.47(a), petitioner may wish to consider submitting the renewed petition by facsimile transmission to the telephone number indicated below and to the attention of Karen Creasy.**

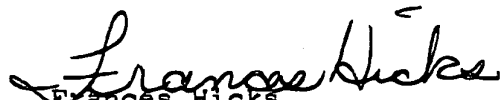
Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

By FAX: (703) 308-6916  
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23  
2201 S. Clark Place  
Arlington, VA

Telephone inquiries related to this decision should be directed to Karen Creasy at (703) 305-8859.

  
Frances Hicks  
Lead Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

703 308 6916

\*\* \*\* \*  
\* \* RX REPORT  
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